



One Hundred First Legislature - Second Session - 2010
Introducer's Statement of Intent
LB 847

Chairperson: Brad Ashford
Committee: Judiciary
Date of Hearing: February 25, 2010

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

The bill amends the statutes relating to Small Claims Court in order to provide a defendant a method for vacating a default judgment rendered by a Small Claims Court. Currently, the only remedy in a small claims case is an appeal to the district court for an error on the record. The practical effect is that there is now no way to vacate a default judgment obtained in Small Claims court regardless of what the reason is that the litigant failed to show unless there is some error on the record.

Under this proposed change, a litigant in a small claims matter would still be allowed an appeal for an error on the record under section 25-2807 and would also be able to motion the court to vacate the default judgment in the same manner as allowed prior to the passage of LB 1014 in 2008.

The bill also provides that parties may be represented by attorneys for the purpose of filing a motion for a new trial or to set aside, vacate, or modify a default judgment.

Principal Introducer: _____
Senator Brenda Council